

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
DEC 19 2007

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CHRISTOPHER LEE FIELDS,

CIV. 07-4086

Plaintiff,

vs.

ORDER

DOUGLAS L. WEBER;  
JESSICA STEVENSON;  
JULIE SPURRELL;  
all in their official and unofficial capacities;

Defendants.

\*\*\*\*\*

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted.

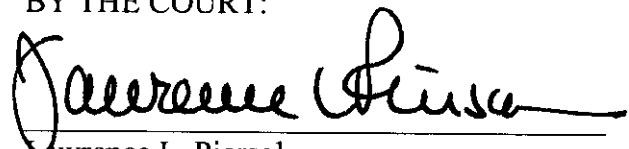
The Court has reviewed the Plaintiff's Objections to the Report and Recommendation. The Plaintiff has not alleged a constitutional violation. Allegations amounting to a claim of negligence alone are not enough to proceed on a case such as this. The objections are overruled. Accordingly,

IT IS ORDERED that:

1. Plaintiff's objections are OVERRULED and the Report and Recommendation (Doc. 10) is ADOPTED.
2. Plaintiff's complaint is dismissed, without prejudice, for failure to state a claim upon which relief can be granted, each party to pay their own costs.

Dated this 19<sup>th</sup> day of December, 2007.

BY THE COURT:



Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

By: Lucy Margulies, Deputy  
(SEAL)